

Carly M. Roman (SBN 349895)
Raina C. Borrelli (*Pro Hac Vice* forthcoming)
STRAUSS BORRELLI PLLC
980 N. Michigan Avenue, Suite 1610
Chicago, IL 60611
Telephone: (872) 263-1100
Facsimile: (872) 263-1109
raina@straussborrelli.com
croman@straussborrelli.com

Attorneys for Plaintiff and Proposed Class

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANE DOES 1-16; individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

JAIME S. SCHWARTZ MD, an
individual, **JAIME S. SCHWARTZ MD
PC**, a California professional corporation;
and DOES 1 through 10, inclusive.

Defendants.

JANE DOE, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

JAIME S. SCHWARTZ MD PC and

Case No. 2:25-cv-00898

**DECLARATION OF RAINA C.
BORRELLI IN SUPPORT OF
MEMORANDUM IN
OPPOSITION TO JANE DOES
1-16's MOTION TO APPOINT
INTERIM CLASS COUNSEL**

Case No. 2:25-cv-02263-JAK-PD

DECLARATION OF RAINA C. BORRELLI IN SUPPORT OF MEMORANDUM IN
OPPOSITION TO JANE DOES 1-16's MOTION TO APPOINT INTERIM CLASS COUNSEL

TOTAL LIPEDEMA CARE,

Defendants.

JANE DOE, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

JAIME S. SCHWARTZ MD PC,

Defendant.

Case No. 2:25-cv-03393-CAS-KES

DARLENE TUULIK, an individual;
CARLA J. UTTER, an individual;
CHRISTEEN JOHNSON, an individual;
and on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

JAIME S. SCHWARTZ MD, an
individual, **JAIME S. SCHWARTZ Md
pc**, a California professional corporation;
KAREN HERBST, MD, an individual;
KAREN HERBST, MD PC, a California
professional corporation; and **TOTAL
LIPEDEMA CARE**, a California
professional corporation.

Defendants.

Case No. 2:25-cv-4446

DECLARATION OF RAINA C. BORRELLI IN SUPPORT OF MEMORANDUM IN
OPPOSITION TO JANE DOES 1-16's MOTION TO APPOINT INTERIM CLASS COUNSEL

1. I am counsel for Plaintiff Jane Does in Case Number 2:25-cv-02263 and Case Number 2:25-cv-03393. This declaration is filed in support of Strauss Borrelli PLLC's and Haeggquist & Eck, LLC's Response to Jane Does 1-16's Motion to Appoint Interim Class Counsel and Motion to Appoint Raina C. Borrelli of Strauss Borrelli as Interim Class and Alreen Haeggquist of Haeggquist & Eck as Liaison Counsel. I have personal knowledge of the facts in this declaration and could testify to them if called on to do so.

BACKGROUND

2. From the start, I continuously sought cooperation and collaboration from plaintiffs' counsel. First, I moved quickly to coordinate the actions and advance a consensus proposed leadership structure to avoid continued delay. I reached out to the Lew Firm APC, Robinson Markevitch & Parker LLP, and Haeggquist & Eck LLP, on March 30, 2025, to coordinate our first meeting and strategize next steps.

3. Thereafter, I coordinated multiple meetings with plaintiffs' counsel and served as the liaison between all parties. As soon as I confirmed Defendant would not oppose consolidation, I circulated consolidation papers on April 21, 2025, to the group of plaintiffs' counsel.

4. The consolidation papers I circulated were objective and neutral, and proposed a schedule to file applications for leadership if a consensus structure could not be reached so that all plaintiffs' counsel who intended to seek a leadership position would have sufficient time to do so. However, I advised plaintiffs' counsel that I would prefer to agree on a cooperative leadership structure that included

DECLARATION OF RAINA C. BORRELLI IN SUPPORT OF MEMORANDUM IN
OPPOSITION TO JANE DOES 1-16's MOTION TO APPOINT INTERIM CLASS COUNSEL

1 counsel from each of the pending cases. I also informed the group of my desire to
2 seek a leadership role early on in a structure that would involve representatives from
3 each counsel group in lieu of filing leadership applications.

4 5. Counsel in all actions proceeded to have extensive discussions about
5 consolidation and the outline of an agreed leadership structure, while I continued to
6 advocate for representation from each counsel group to fairly and efficiently move
7 the actions forward for the benefit of all plaintiffs and the putative class. I circulated
8 consolidation papers to the group multiple times throughout April and May and
9 sought input and approval from the group.

10 6. On Thursday, May 8, 2025, when *Tuulik* was transferred to the Central
11 District of California, counsel for all cases had productive discussions about
12 consolidation and a cooperative leadership structure. These discussions continued
13 on Friday, May 9, 2025.

14 7. Although all parties agreed to file a joint motion to consolidate the
15 actions, without notice, Robinson instead opted to unilaterally file a motion to
16 consolidate on Sunday, May 11, 2025, requesting that Damion Robinson, David
17 Markevitch, Jimmie Parker, Raymond Boucher, and Shehnaz Bhujwala be
18 appointed interim lead counsel.

19 **COUNSEL'S QUALIFICATIONS**

20 8. I am a founding partner at Strauss Borrelli, a class action litigation
21 boutique with 10 lawyers, all dedicated to litigating class actions generally, and data
22 privacy cases in particular. Strauss Borrelli, while based in Chicago, is comprised of
23

1 ten attorneys located all over the country. Two attorneys at Strauss Borrelli are
2 admitted to practice law in the state of California, and one attorney, Carly Roman,
3 is based in North County, San Diego.

4 9. I received my J.D. magna cum laude from the University of Minnesota
5 Law School in 2011. Prior to founding Strauss Borrelli, I was a partner at Turke &
6 Strauss LLP, managing its class action litigation practice.¹ I was also previously a
7 partner at Gustafson Gluek PLLC, a boutique class action firm in Minneapolis,
8 Minnesota, where I successfully prosecuted complex class actions in federal and
9 state courts, including *Hudock v. LG Electronics USA, Inc.*, 16-cv-1220 (JRT/KMM)
10 (D. Minn.); *Baldwin v. Miracle-Ear, Inc.*, 20-cv-01502 (JRT/HB) (D. Minn.); *In re*
11 *FCA Monostable Gearshifts Litig.*, 16-md-02744 (E.D. Mich.); *Zeiger v. WellPet*
12 *LLC*, 17-cv-04056 (N.D. Cal.); *Wyoming v. Procter & Gamble*, 15-cv-2101 (D.
13 Minn.); *In re Big Heart Pet Brands Litig.*, 18-cv-00861 (N.D. Cal.); *Sullivan v.*
14 *Fluidmaster*, 14-cv-05696 (N.D. Ill.); *Rice v. Electrolux Home Prod., Inc.*, 15-cv-
15 00371 (M.D. Pa.); *Gorczynski v. Electrolux Home Products, Inc.*, 18-cv-10661
16 (D.N.J.); *Reitman v. Champion Petfoods*, 18-cv-1736 (C.D. Cal.); *Reynolds, et al.*,
17 *v. FCA US, LLC*, 19-cv-11745 (E.D. Mich.).

18 10. I have repeatedly been named to the annual Minnesota “Rising Star”
19 Super Lawyers list (2014-2021) by SuperLawyers Magazine. I have been repeatedly
20 certified as a North Star Lawyer by the Minnesota State Bar Association (2012-2015;
21 2018-2020) for providing a minimum of 50 hours of pro bono legal services. I am

22 ¹ Turke & Strauss’s class action portfolio transferred entirely to Strauss Borrelli PLLC at the
23 time it was founded, and thus my data breach litigation history spans my time at both Turke &
Strauss and Strauss Borrelli.

1 also an active member of the Minnesota Women's Lawyers and the Federal Bar
2 Association, where I have assisted in the representation of pro se litigants through the
3 Pro Se Project.

4 11. I have significant experience in data privacy litigation and I am
5 currently litigating data breach class actions in courts around the country on behalf
6 of millions of data breach victims including, but not limited to, *Hulewat et al. v.*
7 *Med. Mgmt. Res. Grp., LLC*, No. 2:24-cv-00377 (D. Ariz.) (appointed Interim Co-
8 Lead Class Counsel); *In re ABC Legal Servs. Data Sec. Litig.*, No. 2:24-cv-02092
9 (W.D. Wash.) (appointed Interim Co-Lead Class Counsel); *In CDK Global Data*
10 *Sec. Breach Litig.*, No. 1:24-cv-05221, (N.D. Ill.) (appointed Interim Co-Lead Class
11 Counsel); *Tausinga et al. v. Hankins & Sohn Plastic Surgery Assocs., et al.*, No.
12 2:23-cv-00824 (D. Nev.) (appointed interim class counsel in data breach case
13 involving nude photographs of plastic surgery patients); *In re Thompson Coburn*
14 *Data Sec. Litig.*, No. 4:24-cv-1509 (E.D. Mo.) (appointed Interim Co-Lead Class
15 Counsel).

16 12. Additionally, I have litigated multiple data breach class actions against
17 medical institutes involving facts similar to the unique facts at play here, namely,
18 where sensitive medical information and nude photos of medical patients were
19 compromised, including *Jane Doe v. Lehigh Valley Health Network, Inc.* 23-cv-1149
20 (Lackawanna County, PA); *Kakish v. Long Island Plastic Surgical Group*, 1:24-cv-
21 07341-ST (E.D.N.Y.); *Jane Doe v. SSK Plastic Surgery, Inc.*, 30-2025-01467755-
22 CU-BT-CXC (Orange County, Cal.); *Jane Doe v. Hand & Plastic Surgery Centre*,
23

25-03075-N2 (Kent County, Mich.); and *In re Hankins Plastic Surgery Associates*,
2:23-cv-00824 (D. Nev.).

13. I have also achieved noteworthy outcomes for data breach victims.
Notably, in *Lehigh Valley Health Network*, I represented cancer patients whose nude
photos and medical information were posted to the dark web by a Russian cybergang
in 2023. I helped negotiate a \$65 million settlement, which “may be the largest
settlement for a single cyberattack to date.”² This settlement allowed more than
134,000 affected patients to receive a settlement payment, with those whose nude
photographs were impacted receiving significant compensation. See
<https://lvhndatabreachsettlement.com/> (last visited May 18, 2025). See also *Baldwin*
v. Nat’l Western Life Ins. Co., No. 21-cv-04066-WJE (W.D. Mo.) (settlement on
behalf of 800,000 data breach victims); *In re Lincare Holdings, Inc. Data Breach*
Litig., No. 8:22-cv-01472 (M.D. Fla.) (achieving a \$7.25 million settlement for the
class); *Forslund v. R.R. Donnelley & Sons Co.*, No. 1:22-cv-04260 (N.D. Ill.)
(\$979,704 on behalf of a class of data breach victims); *Ellis et al. v. Hub Int’l Ltd.*,
No. 1:23-cv-06137 (N.D. Ill.) (\$4,650,000 settlement on behalf of data breach
victims); *In re MNGI Digestive Health, PA*, No. 27-CV-24-10788 (Hennepin
County, Minn. Dist. Ct.) (\$2,838,749.62 settlement on behalf of patients whose
medical information was breached).

14. In addition to my robust data breach practice, discussed *supra*, I am also

² Schlingman, JP, *Lehigh Valley Health Network Agrees to Pay \$65 Million Class Action Settlement to Patients after Ransomware Attack* (March 17, 2025), at <https://www.darkdaily.com/2025/03/17/lehigh-valley-health-network-agrees-to-pay-65-million-class-action-settlement-to-patients-after-ransomware-attack/> (last accessed May 13, 2025).

1 currently litigating a variety of class action consumer protection cases, including
2 under the TCPA and various state right of publicity laws, including: *Murray, et al.*
3 *v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, 19-cv-12608 (D. Mass.)
4 (\$14 million TCPA class settlement); *Baldwin, et al. v. Miracle-Ear, Inc., et al.*, 20-
5 cv-1502 (D. Minn.) (\$8 million TCPA class settlement); *Callahan v. PeopleConnect,*
6 *Inc.*, 20-cv-9203 (N.D. Cal.) (certifying a Rule 23(b)(3) class); *Kellman v. Spokeo,*
7 *Inc.*, 21-cv-8976 (N.D. Cal.) (certifying Rule 23(b)(3) classes); *Batis v. Dun &*
8 *Bradstreet Holdings, Inc.*, 22-cv-01924 (N.D. Cal.).

9 15. Finally, I have substantial experience leading discovery teams in
10 complex class action matters and working with class damages experts and class
11 damages models in consumer protection cases. Given the fact that I have been
12 appointed lead counsel or co-lead counsel in dozens of data breach class actions, I
13 am adept at working cooperatively with a team and efficiently managing complex
14 class action litigation.

15 16. Immediately after Dr. Schwartz publicly announced the data breach, I
16 began investigating potential legal claims and remedies for the victims of the breach.
17 Those investigations included, among other things, investigating the facts
18 surrounding the data breach; researching legal claims; vetting potential class
19 representatives; drafting initial pleadings; investigating and consulting with experts
20 data security; and investigating and consulting with experts on the dark web.

21 17. I spent a significant amount of time interviewing numerous consumers
22 injured by the data breach, so that I could select only the most qualified
23

1 representatives to proceed as Plaintiffs, providing for efficient litigation and
2 avoiding the inefficiencies caused by naming a large number of class representatives.
3 I also retained a consulting expert to conduct a dark web search to identify the
4 categories of stolen data available on the dark web, and the number of patients
5 impacted.

6 18. The Strauss Borrelli Firm Resume is attached hereto as **Exhibit 1**.

7 Pursuant to 28 U.S.C. § 1746, I declare signed under penalty of perjury of the
8 United States of America that the foregoing is true and correct.

9
10 Executed on June 6, 2025

Respectfully submitted,

11
12 By: /s/ Raina C. Borrelli

13 Raina C. Borrelli (*Pro Hac Vice*
forthcoming)

14 **STRAUSS BORRELLI PLLC**

980 N. Michigan Avenue, Suite 1610

Chicago, Illinois 60611

15 T: (872) 263-1100

16 F: (872) 263-1109

raina@straussborrelli.com

CERTIFICATE OF SERVICE

I, Carly M. Roman, hereby certify that on June 6, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record, via the ECF system.

DATED this 6th day of June, 2025.

STRAUSS BORRELLI PLLC

By: /s/ Carly M. Roman

Carly M. Roman

STRAUSS BORRELLI PLLC

One Magnificent Mile

980 N Michigan Avenue, Suite 1610

Chicago IL, 60611

Telephone: (872) 263-1100

Facsimile: (872) 263-1109

croman@straussborrelli.com

DECLARATION OF RAINA C. BORRELLI IN SUPPORT OF MEMORANDUM IN
OPPOSITION TO JANE DOES 1-16's MOTION TO APPOINT INTERIM CLASS COUNSEL